

22. (Amended) A graft assembly for repairing aneurysms, comprising:

a graft having a length, a first end and a second end; and

a plurality of unconnected and discreet frames attached to the graft along substantially the length of the graft, each frame defining a ring and having a plurality of alternating apices and at least one of the plurality of frames being self-expanding.

26. (Amended) The graft assembly of claim 22, further comprising a helix configured at each of the alternating apices.

27. (Amended) The graft assembly of claim 22, further comprising a plurality of wall engaging members attached to one of the plurality of frames.

REMARKS

By this paper, claims 22, 26 and 27 have been amended. Claims 22-32 remain pending.

In the outstanding Office action dated December 20, 2002, claim 26 was objected to because of a spelling error. Claim 26 has been amended to correct the spelling error in the present paper. Additionally, claim 27 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response thereto, Applicants have amended claim 27 by deleting the phrase "attached to the first end of the graft." As such, it is believed that claim 27 now satisfies the requirements of § 112.

In the outstanding Office action, claims 22-25 and 27-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rhodes (U.S. 5,122,154). Further, claims 26 and 32 were rejected under 35 U.S.C. § 102(a) as being unpatentable over Rhodes in view of Lazarus et al.

(U.S. 5,275,622). Independent claim 22 has been amended to recite a graft assembly including a graft and a plurality of frames, at least one of the frames being self-expanding. It is respectfully submitted that claim 22 and the claims depending therefrom are patentable over the cited references. In particular, the Rhodes patent is concerned with limiting perceived shortcomings associated with self-expanding stent devices (See col. 2, lns. 30 et seq.). Significantly, Rhodes teaches that zig-zag stainless wire stents are lacking because the expansion thereof is dependent upon a spring constant and the modulus of elasticity of the structure, the same resulting in the possibility of the size of the device changing after implantation. This structure was also said to be problematic in that an undersized structure may not expand sufficiently to become impacted in the arterial wall, thus permitting migration. Moreover, an oversized structure is characterized in the Rhodes reference as being capable of causing a rupture or tear in vasculature. The Rhodes reference therefore, teaches employing a balloon expandable stent structure and consequently actually teaches away from a self-expanding device. Accordingly, it is believed that the pending claims define allowable subject matter.

CONCLUSION

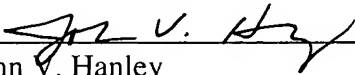
Applicant has attempted to respond to each and every rejection set forth in the outstanding Office Action. In view of the above amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____


John V. Hanley

Registration No. 38,171

JVH/kst
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

22. (Amended) A graft assembly for repairing aneurysms, comprising:
a graft having a length, a first end and a second end; and
a plurality of unconnected and discreet frames attached to the graft along substantially the length of the graft, each frame defining a ring and having a plurality of alternating apices and at least one of the plurality of frames being self-expanding.

26. (Amended) The graft assembly of claim 22, further comprising a helix configured at each of the alternating [apieces]apices.

27. (Amended) The graft assembly of claim 22, further comprising a plurality of wall engaging members attached to one of the plurality of frames [attached to the first end of the graft].

6331.1